



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TJR

Docket No: 741-00

11 May 2000

[REDACTED]

Dear [REDACTED]:

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 25 April 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Marine Corps on 15 February 1956 at the age of 18. Your record reflects that on 13 November 1956 you received nonjudicial punishment (NJP) for a three day period of unauthorized absence (UA) and were awarded restriction for two weeks.

On 5 February 1957 you were convicted by summary court-martial (SCM) of a six day period of UA. You were sentenced to confinement at hard labor for 30 days and a \$55 forfeiture of pay. On 30 July 1957 you received NJP for a day of UA and were awarded extra duty for two weeks.

Your record further reflects that on 29 January 1958 you received your third NJP for disobedience. The punishment imposed was confinement on bread and water for three days.

On 21 March 1959, at the expiration of your enlistment, you were released from active duty under honorable conditions. Subsequently you were issued a general discharge upon completion of your military obligation.

Character of service is based, in part, on conduct and overall trait averages which are computed from marks assigned during periodic evaluations. Your conduct average was 3.9. An average of 4.0 in conduct was required at the time of your separation for a fully honorable characterization of service.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity, good post service conduct, and your contention that you would like your discharge upgraded because you made up your 'bad time' and honorably completed your enlistment. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your frequent misconduct, which resulted in three NJPs and a court-martial conviction, and since your conduct average was insufficiently high to warrant an honorable discharge. Given all the circumstances of your case, the Board concluded your discharge was proper as issued and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director